

**REMARKS**

**Status of the Claims**

Claim 1 has been amended; Claim 2 was previously presented; Claim 5 is an original claim; Claim 8 was previously presented and Claims 3, 4, 6, 7 and 9 had been cancelled. Claims 10 to 17 are new claims.

The following is in response to the non-final office action of April 17, 2006.

**Claim Rejections – 35 USC § 112**

Claims 1, 2, 5 and 8 were rejected under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 was held to contain contradictory statements in regard to successive steps c) and d). Claims 2, 5 and 8 are directly dependent on Claim 1.

Applicants have amended Claim 1 which is now directed to curing of the coating (step c) and subsequent removal of the backing foil (step d). The contradictory portions of the claim have been deleted.

New Claim 10 has been added wherein the coating is cured (step c), the backing foil is removed (step d) and then the coating is completely cured (step e). Claims 11-13 are directly dependent on Claim 10.

New Claim 14 has been added wherein the backing foil is removed (step c) and the coating then is cured (step d). Claims 15-17 are directly dependent on Claim 14.

The amendment of Claim 1 and the addition of Claims 10-17 should clarify the various aspects of the claimed process and obviate the above '112 rejection.

Claims 1, 2 5 and 8 were further rejected under 35 U.S.C. 112 for failing to comply with the written description since the term "non-fabric" was not in the specification as filed and was considered new matter. Applicants have amended Claim 1 and deleted "non-fabric".

To more clearly define the automotive substrate used in Applicants' process, the claims have been amended as follows:

"a substrate selected from the group consisting of automotive bodies, automotive body parts and automotive body fittings to be coated

selected from the group consisting of uncoated or single or multilayer precoated metal, plastic, wood and glass".

These clearly are not "fabric" substrates. Support for this amendment is in Applicants' specification on page 2, lines 18-23. If the Examiner has another suggestion for an amendment to the claims that will more clearly show that "fabric" is not within the scope of the claims, Applicants' will give any such suggestion very favorable consideration.

To further support Applicants' position that "fabrics" are not included in the substrates as defined in the claims, attached hereto is a copy of pertinent pages of "BASF Handbook on Basics of Coating Technology". In particular, in the discussion of the application of automotive OEM coatings the automotive substrates are defined as follows:

"The various substrates such as steel, galvanized steel and aluminum, as used nowadays in the manufacture of vehicle bodies, are first of all cleaned and then, in pretreatment, are provided with an inorganic conversion layer made of metal phosphates with a film thickness of about 1-2 µm." (See page 689, lines 35-37).

"The steel panels from various pre-refinement stages used for the automotive industry, e.g. pure steel, electrolytically galvanized (EG), hot-dip galvanized (HDG), prephosphated or also organically pre-coated as well as aluminium panels are subjected to various drawing processes and partially extreme deformation in the body-in-white shop, i.e. prior to the application of paint." (See page 690, last paragraph).

In regard to plastic automotive parts, these are defined on page 717, paragraph following "Exterior plastic attachments" as follows:

"The most important plastic attachments for the exterior on all car models nowadays include the bumpers, which are moulded from a very wide variety of thermoplastics but and are coated predominantly. There are also tailgates, such mainly PP lids, sliding roof, fenders, trims and outer mirrors, which are already coated when delivered because they are fitted to the vehicle body later. Furthermore, these attachments such as the outside mirrors are put together as

assemblies with all the electrical equipment so they can no longer be coated as the car plant."

Nowhere in this entire article are autobody parts or fittings referred to as fabrics and the claims as amended clearly exclude fabrics.

Claim terms must be given their broadest *reasonable* definition. MPEP § 2111. Further the terms must be given their plain meaning which is the ordinary and customary meaning given to the term by those of ordinary skill in the art. *Id.* § 2111.01.

In view of the amendments to the claims and the BASF article and the above discussion, the claims can not be interpreted to include "fabrics" by any one of ordinary skill in the art as the Examiner has alleged in previous office actions.

#### **Claim Rejections 35 USC 102 and 35 USC 103**

In the office action the Examiner stated that on deletion of the "new matter", i.e., the term "non-fabric" from the claims, previous 102 and 103 rejections over Rattee et al U.S. Patent 4,315,790 (hereinafter "Rattee") would be reinstated. In view of the above amendments, the claims are not anticipated by or obvious in view of Rattee.

In a previous office action, the claims were rejected under 35 U.S.C. 102(b) as being anticipated by Rattee. The rejection stated that Ratte teaches the application of a composition to a fabric where the composition is comprised of a dye or pigment, film forming polymer, crosslinking agent and catalyst. Screen printing can be used to apply the composition to a supporting substrate and the composition is transferred to the fabric by pressing and heating.

Applicants' amended claims are directed to a substrate selected from the group consisting of automotive bodies, automotive body parts and automotive body fittings to be coated selected from the group consisting of uncoated or single or multilayer precoated metal, plastic, wood and glass. In view of the above discussion, clearly, these are not the "fabric" substrates taught by Rattee.

In a previous office action, the Examiner stated that in Examples 1 and 2 of Rattee screen printing of a coating is taught. A close reading of the examples shows that a coating is first applied to the paper substrate and the coating is dried and then screen printed with an ink which is not a coating as used in applicants process. Obviously, when the coating is applied to the substrate and dried, it has all the

disadvantages of the prior art, i.e., non-uniform varied thickness. Applicants avoid this by applying the coating directly to the backing foil by screen printing which is not taught by Rattee.

The following table compares the structure of the materials used in applicants' process to Rattee. As can be readily seen the two are distinctly different.

Invention	Rattee (U.S. 4,315,790)
Backing Foil	Paper Carrier
Uncured or partially cured coating Applied by Screen Printing	Coating (not applied by Screen Printing)
	Screen print Design
Non-fabric Substrate	Fabric Substrate

In view of the above comments, it is clear that Rattee does not anticipate applicants amended claims and any rejection based on anticipation should be withdrawn.

#### Claim Rejection under 35 USC § 103

The claims had previously been rejected under 35 U.S.C. 103(a) as being unpatentable over Rattee. In Rattee there is no disclosure or suggestion that a coating can be screen printed on the backing foil. Applicants do not use a screen print design and use a non-fabric substrate as has been set forth in the amended claims whereas Rattee is directed to decoration of fabrics and not the substrates set forth in the amended claims. The amended claims are clearly directed to a process not taught or suggested by Rattee and the obviousness rejection should be withdrawn.

#### Withdrawal of Rejection under 35 USC § 103

In the office action, the rejection of Claims 1, 2, 5, 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over George U.S. 4,061,516 taking in view of Vogels et al. U.S. 2002/0022575 or Rattee et al. U.S. 4, 315,790 was withdrawn. It is believed that Vogels et al. U.S. 2002/011575 was meant in view of previous office actions. In any event, no additional comments are being made

Application No.: 10/700,384  
Attorney Docket No.: FA1169 US NA

concerning these references since they do not show or suggest Applicants invention as set forth in the amended claims.

**SUMMARY**

In view of the foregoing remarks in regard to the references and amendments to the claims, Applicants submit that the application should be in form for allowance. If the Examiner wishes to contact Applicants' attorney to discuss the references, amendments to the claims or to resolve other issues, Applicants' attorney can be reached at the telephone number shown below. If any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 04-1928.

Respectfully submitted,

  
\_\_\_\_\_  
Hilmar L. Fricke  
Reg. No. 22,384  
Attorney for Applicants  
Phone: (302) 984-6058  
Facsimile: (302) 658-1192

Date: July 13, 2006